

CCRB INVESTIGATIVE RECOMMENDATION

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|---|---|--|--|------------------------------------|---------------------------------|
| Investigator: McKenzie Dean | Team: Squad #2 | CCRB Case #: 201907814 | <input type="checkbox"/> Force | <input type="checkbox"/> Discourt. | <input type="checkbox"/> U.S. |
| | | | <input checked="" type="checkbox"/> Abuse | <input type="checkbox"/> O.L. | <input type="checkbox"/> Injury |
| Incident Date(s) Tuesday, 08/27/2019 11:57 AM | Location of Incident: Cozine Avenue and Alabama Avenue | Precinct: 75 | 18 Mo. SOL 2/27/2021 | EO SOL 10/14/2021 | |
| Date/Time CV Reported Sat, 08/31/2019 12:02 AM | CV Reported At: CCRB | How CV Reported: Call Processing System | Date/Time Received at CCRB Sat, 08/31/2019 12:02 AM | | |

| Complainant/Victim | Type | Home Address |
|--------------------|------|--------------|
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| Subject Officer(s) | Shield | TaxID | Command |
|------------------------|--------|--------|---------|
| 1. SGT Michael Hansson | 02972 | 949084 | 075 PCT |
| 2. POM Joshua Navarro | 16066 | 957891 | 075 PCT |

| Witness Officer(s) | Shield No | Tax No | Cmd Name |
|--------------------------|-----------|--------|----------|
| 1. POM Anthony Datnarain | 17055 | 957515 | 075 PCT |

| Officer(s) | Allegation | Investigator Recommendation |
|-----------------------|--|-----------------------------|
| A.SGT Michael Hansson | Abuse: Sergeant Michael Hansson stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants. | |
| B.POM Joshua Navarro | Abuse: Police Officer Joshua Navarro frisked § 87(2)(b) | |
| C.POM Joshua Navarro | Abuse: Police Officer Joshua Navarro searched § 87(2)(b) | |
| D.SGT Michael Hansson | Abuse: Sergeant Michael Hansson frisked § 87(2)(b) | |
| E.SGT Michael Hansson | Abuse: Sergeant Michael Hansson searched § 87(2)(b) | |
| F.POM Joshua Navarro | Abuse: Police Officer Joshua Navarro searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants. | |

Case Summary

On August 31, 2019, § 87(2)(b) filed this complaint with the CCRB over the phone. The case was initially assigned to Inv. Kenneth Shelton. It was reassigned to Inv. McKenzie Dean on May 5, 2021, upon Inv. Shelton's resignation from the Agency.

On August 27, 2019 at approximately 11:57 PM, § 87(2)(b) was driving with his cousin, § 87(2)(b) in the passenger seat, when his vehicle was stopped by Police Officer Joshua Navarro, Police Officer Anthony Datnarain, and Sergeant Michael Hansson of the 75 Precinct at Cozine Avenue and Alabama Avenue in Brooklyn (**Allegation A: Abuse of authority - Vehicle stop, § 87(2)(g)**). Upon approaching the vehicle, Police Officer Navarro asked § 87(2)(b) to exit, which he did. Police Officer Navarro frisked § 87(2)(b) (**Allegation B: Abuse of authority - Frisk, § 87(2)(g)**) and allegedly searched the pockets of his hoodie (**Allegation C: Abuse of authority - Search, § 87(2)(g)**). Sergeant Hansson also frisked § 87(2)(b) (**Allegation D: Abuse of authority – Frisk, § 87(2)(g)**) and allegedly searched him (**Allegation E: Abuse of authority - Search, § 87(2)(g)**). Police Officer Navarro searched § 87(2)(b)'s vehicle (**Allegation F: Abuse of authority – Vehicle search, § 87(2)(g)**). The officers released § 87(2)(b) and § 87(2)(b). No civilians were arrested or summonsed during the incident.

BWC video was received from the cameras of Sergeant Hansson, Police Officer Datnarain, and Police Officer Navarro (**BR 01-BR 03**). The footage is attached in IAs #57-59 and is summarized in IA #80 (**BR 09**).

Findings and Recommendations

Allegation (A) Sergeant Michael Hansson stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.

§ 87(2)(b) was interviewed on September 6, 2019 (**BR 04**), Police Officer Datnarain was interviewed on December 19, 2019 (**BR 05**), Sergeant Hansson was interviewed on December 4, 2020 (**BR 06**), and Police Officer Navarro was interviewed on May 5, 2021 (**BR 07**). The investigation got in touch with § 87(2)(b) but was ultimately unable to obtain a statement from him.

It is undisputed that the officers stopped § 87(2)(b) and § 87(2)(b) in § 87(2)(b)'s vehicle and released them without issuing any summonses.

§ 87(2)(b) stated that after Police Officer Navarro searched his vehicle, he told him that the officers stopped him because they smelled weed. § 87(2)(b) denied committing any vehicle infractions while driving.

Police Officer Datnarain stated that he observed tinted windows on § 87(2)(b)'s vehicle. He shared this observation with Police Officer Navarro and Sergeant Hansson and they stopped § 87(2)(b)'s vehicle because of the window tints. Police Officer Datnarain stated there was no other reason to stop § 87(2)(b)'s vehicle aside from the window tints. Police Officer Datnarain explained that a summons was not issued during the incident because he did not "think it was necessary." He explained that § 87(2)(b) had been "relatively compliant" and he had used his discretion to not issue him a summons.

Sergeant Hansson stated that prior to stopping § 87(2)(b) the officers observed his tinted windows. He did not recall which windows on the vehicle were tinted, but stated that 70 percent light transmittance is required, and § 87(2)(b)'s vehicle did not appear to comply with this regulation. Aside from the tints, there was no other reason that the officers stopped the vehicle. The officers did not issue § 87(2)(b) a summons for the window tints and Sergeant Hansson explained that this decision was ultimately his because he was the sergeant.

Police Officer Navarro stated that he did not recall why the officers stopped § 87(2)(b)'s vehicle.

At 02:20 of Police Officer Datnarain's BWC video (**BR 02**), § 87(2)(b) repeatedly asks why the officers pulled him over. Police Officer Datnarain says, "You have tinted windows" and, "Every window has tint on them." At 07:30 of Sgt. Hansson's BWC video (**BR 01**), he says to § 87(2)(b)

§ 87(2)(b) “Your buddy has the tinted windows, yes?” § 87(2)(b) says, “Yes he has tinted windows.” Sgt. Hansson says, “That is a lawful reason for a car stop.”

Section 375 of Article 9 of the New York Vehicle Traffic Law (**BR 08**) states no person shall operate any motor vehicle upon any public highway, road, or street with a front windshield composed of, covered by, or treated with any material which has a light transmittance of less than seventy percent, unless such materials are limited to the uppermost six inches of the windshield.

§ 87(2)(g)

Allegation (B) Police Officer Joshua Navarro frisked § 87(2)(b)

Allegation (C) Police Officer Joshua Navarro searched § 87(2)(b)

Allegation (D) Sergeant Michael Hansson frisked § 87(2)(b)

Allegation (E) Sergeant Michael Hansson searched § 87(2)(b)

Allegation (F) Police Officer Joshua Navarro searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.

It is undisputed that after stopping § 87(2)(b)'s vehicle, the officers asked § 87(2)(b) and § 87(2)(b) to step out of the vehicle and they complied. Police Officer Navarro and Sergeant Hansson frisked and/or searched § 87(2)(b) and § 87(2)(b) and Police Officer Navarro searched § 87(2)(b)'s vehicle. After the search, Police Officer Navarro told § 87(2)(b) that the officers smelled marijuana.

§ 87(2)(b) stated that when Police Officer Navarro frisked him, he also searched the pockets of his hoodie. § 87(2)(b) was also searched, but § 87(2)(b) did not witness this. § 87(2)(b) denied having marijuana in his vehicle during the incident and stated that neither he nor § 87(2)(b) consume marijuana. He also said he did not use marijuana in his vehicle and did not allow others to do this either.

Police Officer Navarro, Police Officer Datnarain, and Sergeant Hansson consistently cited the odor of marijuana as the reason Police Officer Navarro searched § 87(2)(b)'s vehicle. Police Officer Navarro and Sergeant Hansson both stated they noticed an odor of marijuana upon approaching § 87(2)(b)'s vehicle. Police Officer Navarro believed he found a small amount of marijuana spread out across the car during his search. He explained that he would have had to scrape up the marijuana with a credit card if he were to collect it. Police Officer Datnarain stated that he did not smell an odor of marijuana emanating from the vehicle himself because he was standing by the rear window, which was closed. However, he believed that when Police Officer Navarro first approached § 87(2)(b) Police Officer Navarro said there was “a strong odor of marijuana” emanating from the vehicle.

At 01:10 of Police Officer Navarro's BWC video (**BR 03**), he says the vehicle “reeks of weed” as he is searching the middle console of § 87(2)(b)'s vehicle. At 06:20 into the video, Police Officer Navarro tells § 87(2)(b) that the officers smelled marijuana when they approached his vehicle. § 87(2)(b) replies that he does not smoke.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b)
[REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
- § 87(2)(b)
[REDACTED]
 - [REDACTED]
- Police Officer Navarro has been a member of service for six years and has been a subject in eight CCRB complaints and 25 allegations, one of which was substantiated:
 - 201808163 involved a substantiated allegation of frisk. The Board recommended formalized training, which was imposed by the NYPD.
 - § 87(2)(g)
[REDACTED]
- Sergeant Hansson has been a member of service for 10 years and has been a subject in 13 CCRB complaints and 31 allegations, 4 of which were substantiated in 3 cases:
 - 201201649 involved a substantiated allegation of discourtesy. The Board recommended charges and the NYPD imposed command discipline B.
 - 201900776 involved a substantiated allegation of refusal to process civilian complaint, for which the Board recommended formalized training and the NYPD imposed instruction.
 - 201902877 involved substantiated allegations of failure to provide RTKA card and stop, for which the Board recommended Command Discipline B but the NYPD has yet to impose discipline.
 - § 87(2)(g)
[REDACTED]

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- § 87(2)(b)
[REDACTED]
[REDACTED]
[REDACTED]
- § 87(2)(b)
[REDACTED]
[REDACTED]
[REDACTED]

- On May 25, 2021, a Notice of Claim search request was submitted to the NYC Comptroller's Office, the results of which will be added to the case file upon receipt.
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Squad: 2

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| Investigator: | <u>Inv. Dean</u> | <u>Inv. Dean</u> | <u>5/29/21</u> |
| | Signature | Print Title & Name | Date |

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|---------------|---------------------------------|------------------------------------|-----------------|
| Squad Leader: | <u>Alexander Opoku-Agyemang</u> | <u>IM Alexander Opoku-Agyemang</u> | <u>6/1/2021</u> |
| | Signature | Print Title & Name | Date |

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|-----------|-----------|--------------------|---------|
| Reviewer: | <u></u> | <u></u> | <u></u> |
| | Signature | Print Title & Name | Date |